

**2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**DAVID CAMPBELL, *et al.*,
Plaintiffs,**

v.

**BRANDSAFWAY SERVICES, *et al.*,
Defendants.**

**Case No. 2:23-cv-3521
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson**

ORDER

This matter is before the Court on the Plaintiffs’ and Defendant Enerfab Power & Industrial, Inc.’s Joint Motion for Voluntary Dismissal of Enerfab Power & Industrial, Inc. Without Prejudice. (Joint Mot., ECF No. 41.) Enerfab asserts immunity from liability for negligence as a complying employer under Ohio’s workers’ compensation laws. (*Id.* at PageID 205.) Throughout the course of Plaintiffs’ workers’ compensation claim, Plaintiffs and Enerfab entered into a full and final settlement of all claims. (*Id.*) Accordingly, Plaintiffs and Enerfab have agreed to voluntarily dismiss Enerfab without prejudice in this matter. (*Id.*) The parties represent that the requested dismissal will not affect the pending claims against the remaining Defendant BrandSafway Services, LLC. (*Id.* PageID 204.)

The Court construes the Joint Motion as a motion to sever pursuant to Federal Rule of Civil Procedure 21. *See AmSouth Bank v. Dale*, 386 F.3d 763, 778 (6th Cir. 2004). The Court **GRANTS** the Motion and **DISMISSES WITHOUT PREJUDICE** Plaintiffs’ claims against Enerfab. (ECF No. 41.) The Clerk is **DIRECTED** to terminate Enerfab Power & Industrial, Inc. from this case.

IT IS SO ORDERED.

**10/2/2024
DATE**

**s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE**